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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BRIAN HAWKS,

Plaintiff,

-v-

**DECISION and ORDER**  
05-CV-0156Sc

COMMISSIONER, ROCCO, J.<sup>1</sup> and others,  
LT. PAUL DELANO, LT. AMY MARRACINA, DT.  
JAMES MARONEY, and DT. TEAGUE.,,

Defendants.

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Plaintiff, who is incarcerated in the Attica Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants, Rocco J. Diina, Commissioner, Buffalo Police Department, Paul Delano, Lt., Buffalo Police Department, Amy Marracina, Lt., Buffalo Police Department, James Maroney, Dt., Buffalo Police Department, and Teague, Dt., Buffalo Police

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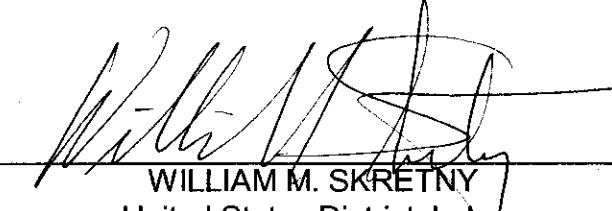
<sup>1</sup>The complaint only identifies this defendant, as "Commissioner, Rocco, J." but it is clear from the complaint that this defendant is "Rocco J. Diina, Commissioner, City of Buffalo Police Department". The Clerk of the Court is directed to amend the caption to identify "Commissioner, Rocco J." as "Rocco J. Diina, Commissioner, City of Buffalo Police Department."

Department, without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

Dated: July 27, 2005  
Buffalo, New York



WILLIAM M. SKRETNY  
United States District Judge